

IN RE: PETITION FOR ZONING VARIANCE  
W/S Thackery Ave., 103' N of  
C/L of Tredegar Avenue  
310 Thackery Avenue  
1st Election District  
1st Councilmanic District  
Richard M. Wright, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-430-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B02.3.B to permit a side yard setback of 36 ft. in lieu of the minimum 40 feet, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner, Richard M. Wright, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 310 Thackery Avenue consists of .26 acres +/-, zoned R.C.3.5 and is currently improved with an existing single family dwelling.

The Petitioner testified that the proposed addition will be approximately 14 ft. high at the peak and will have a footprint as indicated on Petitioner's Exhibit No.1.

The Petitioner testified that he and his wife have lived in this house since 1982 and their growing family (3 children) is in need of additional habitable space. He further testified that he has spoken to his neighbors regarding his proposal and they have no objection to same.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of May, 1990 that the Petition for a Zoning Variance to permit a side yard setback of 36 ft. in lieu of the minimum 40 feet, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow or cause the subject addition to be converted to a second dwelling unit and/or apartment. The addition shall contain no sleeping quarters or bathroom facilities.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH/mm

cc: Peoples Counsel

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-430-A**  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.B To permit a side yard setback 36 ft. in lieu of the minimum 40 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. To construct a 14 feet wide by 15 feet long addition, which runs north and south, and is attached to the east side of the existing house, at 310 Thackery Avenue. This would consist of a 14' by 15' family room.
2. The alternative location of the addition to the rear of the north side of the house would create a number of problems: (see attached page)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day

of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
(over)

MSK- 3/2/90  
avail anytime  
est time of hearing - 1/2 or less

Variance from Section, Continued

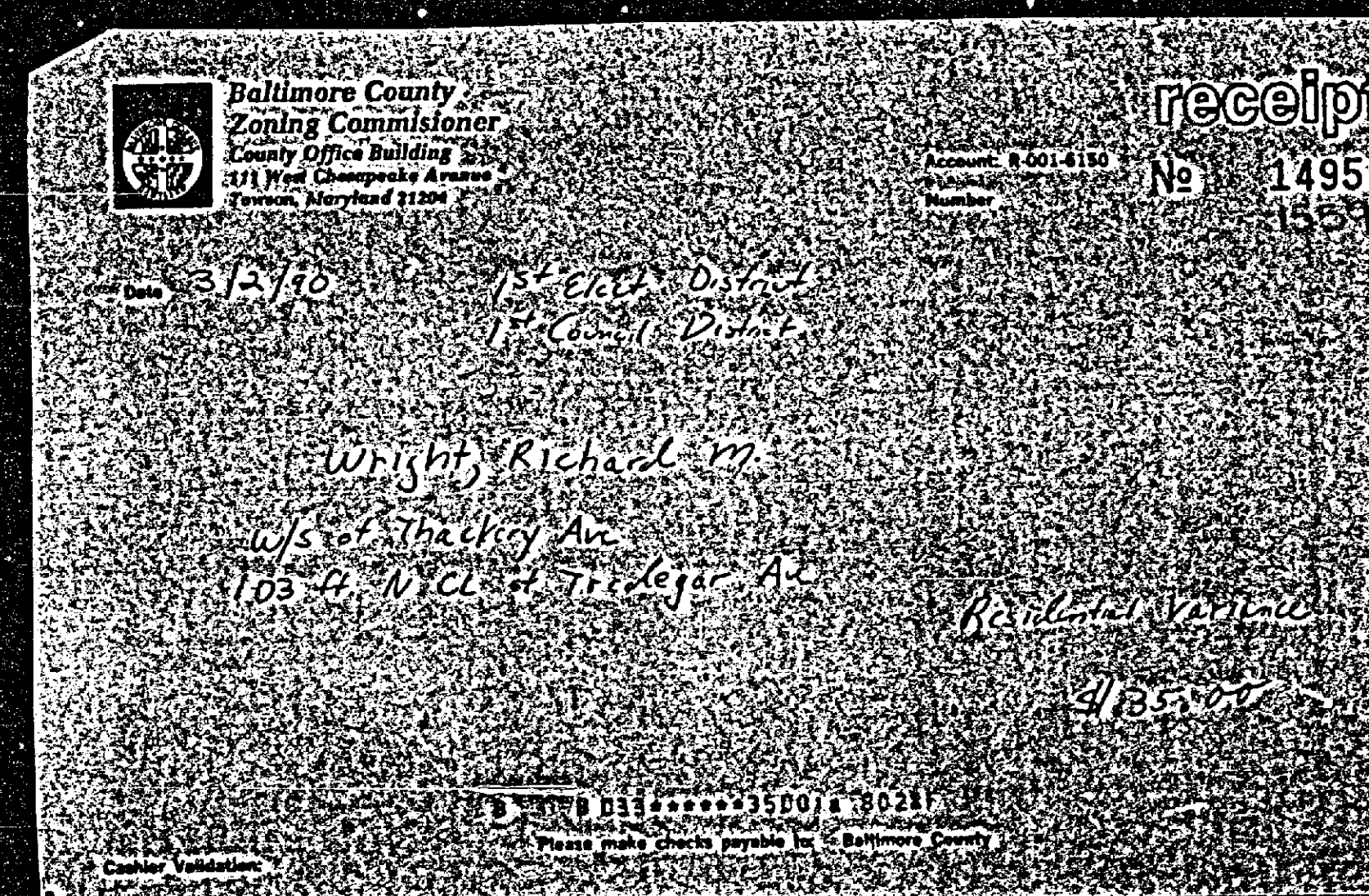
- A. Recently remodeled kitchen would have to be rearranged to insert a doorway to lead to the addition.
- B. Width of addition would be limited to 13 feet. (width of rear section of house which is divided into two 13 foot sections separated by a screened porch.
- C. Placement of addition in rear would place it within 10 feet of a 13' x 250 foot tree.
- D. The architectural integrity of the house would be damaged.
- E. The backyard design and landscaping would be severely altered if the removal of the aforementioned tree is required.
3. A side addition as proposed is the most common addition to this type of house and to similar houses in the area.

Richard & Suzanne Wright  
310 Thackery Avenue  
Catonsville, Maryland 21228  
(301) 788-7514

Mr. and Mrs. Richard M. Wright  
310 Thackery Avenue  
Catonsville, Maryland 21228  
788-7514

ZONING DESCRIPTION

Beginning on the west side of Thackery Avenue, 75 feet wide, at the distance of 103 feet north of the centerline of Tredegar Avenue. Being Lots 191, 192, and 193, in the subdivision of Oak Forest Park. Book No. 05, Folio 090 and 091. Also known as 310 Thackery Avenue in the first election District.



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number: \_\_\_\_\_  
No: 1559  
1495

Date: 3/02/90  
H9000291

Paid as per  
hand-written  
receipt

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: WRIGHT

Cashier Validation: \_\_\_\_\_  
Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st Date of Posting: 4-13-90  
Posted for: Richard M. Wright et ux  
Petitioner: Richard M. Wright et ux  
Location of property: W/S of Thackery Avenue, 103' N of Tredegar Avenue, 310 Thackery Avenue  
Location of Sign: 111 West Chesapeake Avenue  
Remarks: \_\_\_\_\_  
Posted by: J. Robert Haines Date of return: 4-20-90  
Number of Signs: 1



**Baltimore County**  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**receipt**  
Account: R-001-6150  
No. 2345  
90-430  
M9000763

Date: 5/02/90

	QTY	PRICE
PUBLIC HEARING FEES		
080 - POSTING SIGNS / ADVERTISING 1 X		\$91.13
LAST NAME OF OWNER: WRIGHT		
TOTAL:		\$91.13

8 088\*\*\*\*\*9113:a 3025F  
Please make checks payable to: Baltimore County

Cashier Validation:

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE: APR 18 1990

Mr. & Mrs. Richard M. Wright  
310 Thackery Avenue  
Catonsville, Maryland 21228

RE: Petition for Zoning Variance  
CASE NUMBER: 90-430-A  
W/S Thackery Avenue, 103' N of c/l Tredegar Avenue  
310 Thackery Avenue  
1st Election District - 1st Councilmanic  
Petitioner(s): Richard M. Wright, et ux  
HEARING: WEDNESDAY, MAY 2, 1990 at 2:00 p.m.

Dennis F. Rasmussen  
County Executive

Dear Mr. & Mrs. Wright:

Please be advised that \$ 91.13 is due for advertising and posting of the above captioned property.

**THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.**

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:ga  
cc: File

**CERTIFICATE OF PUBLICATION**

April 9, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 4, 1990.

CATONSVILLE TIMES  
S. Zabe Orlean  
Publisher

**NOTICE OF HEARING**  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning variance in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:  
Petition for Zoning Variance  
Case number: 90-430-A  
W/S Thackery Avenue, 103' N of c/l Tredegar Avenue  
310 Thackery Avenue  
1st Election District  
1st Councilmanic  
Petitioner(s): Richard M. Wright, et ux  
Hearing Date: Wednesday, May 2, 1990 at 2:00 p.m.  
Variance: To permit a side yard setback sum of 36 ft. in lieu of the minimum 40 ft.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
CATJ4615 Apr. 6.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. April 9, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 5, 1990.

THE JEFFERSONIAN,  
S. Zabe Orlean  
Publisher

**NOTICE OF HEARING**  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning variance in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:  
Petition for Zoning Variance  
Case number: 90-430-A  
W/S Thackery Avenue, 103' N of c/l Tredegar Avenue  
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J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
CATJ4615 Apr. 6.

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

March 23, 1990

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-430-A  
W/S Thackery Avenue, 103' N of c/l Tredegar Avenue  
310 Thackery Avenue  
1st Election District - 1st Councilmanic  
Petitioner(s): Richard M. Wright, et ux  
HEARING: WEDNESDAY, MAY 2, 1990 at 2:00 p.m.

Variance: To permit a side yard setback sum of 36 ft. in lieu of the minimum 40 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Wright

**RECEIVED**  
MAY 9 1990  
ING OFFICE

J. Robert Haines  
Zoning Commissioner  
Baltimore County  
Office of Planning & Zoning  
Towson, Md 21204

May 4, 1990

Re: Item No. 291, Case No. 90-430-A  
Richard & Suzanne Wright  
310 Thackery Avenue  
Catonsville, Md 21228

Dear Mr. Haines:

During my hearing on May 2nd, one of the questions you asked concerned the inclusion of my chimney within the proposed addition. I did not think of it at the time, and I realize this may have no bearing on your decision, but I would like to add to my comments that as part of the replacement of our heating system in September 1989, the fireplace and furnace flues were relined. Additionally, where necessary, the mortar in the chimney was repointed.

Again, thank you for your consideration of our request.

Very truly yours,  
Richard M. Wright  
Richard M. Wright

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

April 24, 1990

Mr. & Mrs. Richard M. Wright  
310 Thackery Avenue  
Catonsville, MD 21228

Dennis F. Rasmussen  
County Executive

RE: Item No. 291, Case No. 90-430-A  
Petitioner: Richard M. Wright, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Wright:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

April 24, 1990

Mr. & Mrs. Richard M. Wright  
310 Thackery Avenue  
Catonsville, MD 21228

Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this 21st day of March, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Richard M. Wright  
Petitioner's Attorney:

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMENTS  
No. 273 - R. Crone  
No. 292 - Carmel B. Whetzel  
No. 291 - Richard M. Wright and  
No. 274 - Richard B. Sinclair

In reference to the above referenced item numbers, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning and Zoning at 887-3211.

PK:JL:cgl  
VARIOUS/TKTGGGL

NR 1 2 508



Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

March 21, 1990



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 271, 272, 274, 291, and 292.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSE/lvw

MAR 27 1990

Baltimore County  
Fire Department  
Towson, Maryland 21204-2596  
494-4500  
Paul H. Reincke  
Chief

MARCH 13, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: RICHARD M. WRIGHT  
Location: #310 THACKERY AVENUE  
Item No.: 291 Zoning Agenda: MARCH 20, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *C. H. Smith* 3-14-90 Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

MAR 15 1990

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 3, 1990  
FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for March 20, 1990

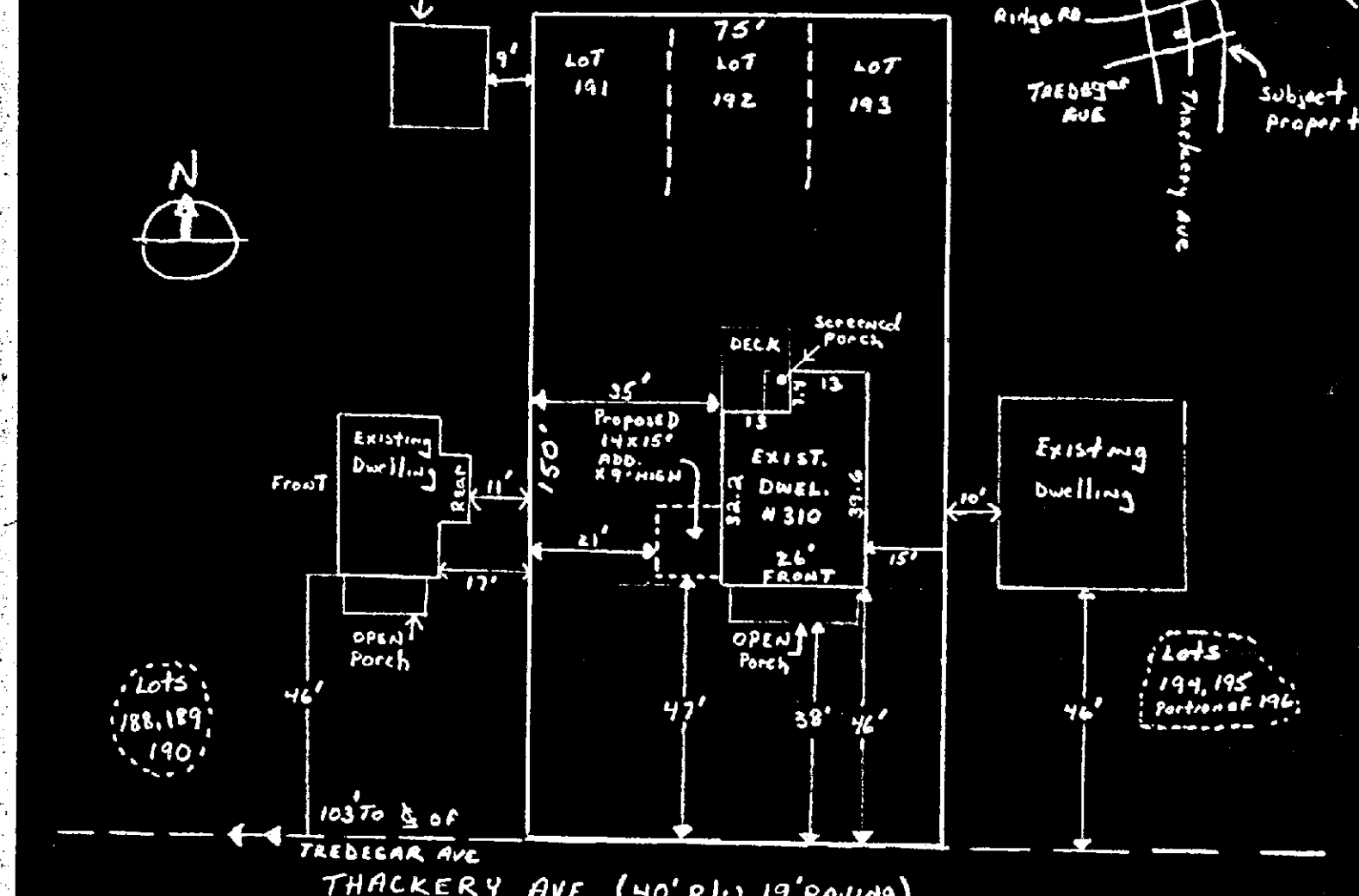
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 272, 274, 291 and 292.

For Item 271, the ownership of area to be purchased does not agree between plats, i.e. GLB 2368/167 vs. GLB 2368/168, and Alonzo Decker, WJR 3907/322 vs. Camera Bare, Jr. GLB 3292/33.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

## 291 PETITIONER'S EXHIBIT 1



PLAT FOR ZONING VARIANCE  
OWNER - RICHARD + SUZANNE WRIGHT  
DISTRICT - 01, ZONED - D.R.-2  
SUBDIVISION - OAK FOREST PARK  
LOTS 191, 192, 193, BOOK 5, FOLIO 90 + 91  
EXISTING PUBLIC UTILITIES IN THACKERY AVENUE

LOT SIZE: 11250 SQ. FT.  
2.6 ACRES

SCALE: 1" = 30'

90-430-A

## PETITIONER(S) EXHIBIT (2)

